

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

BLUE HEN HOTEL, LLC,

Plaintiff,

v.

CHARLES P. ARENA,

Defendant.

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Civil Action No.05-221-JJF

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1.1**

Pursuant to Local Rule 7.1.1, Defendant's counsel certifies that she has conferred with Plaintiff's counsel in an effort to resolve Plaintiff's Motion to Compel and Defendant's Motion to Stay Discovery. In particular, the parties have communicated as follows:

1. During the August 21, 2006 status teleconference with the Court, Blue Hen's counsel stated that Blue Hen is interested in deposing Arena to determine whether he is judgment proof because Blue Hen might not pursue the case if Arena has insufficient assets to pay any award in Blue Hen's favor. Counsel for Arena indicated Arena might be willing to give a deposition regarding his current financial status if it would resolve the litigation.

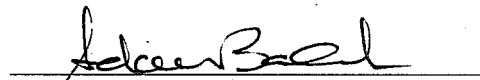
2. After the status teleconference, Blue Hen's counsel contacted Arena's counsel and offered to forego written responses to Blue Hen's discovery requests if Arena was made available for deposition on all issues in the case.

3. Arena's counsel responded that Arena would be willing to give deposition testimony limited to his current financial status, and, if Blue Hen decided to proceed with

the litigation as a result of such testimony, Arena would not oppose entry of a revised scheduling order after the Court rules on his motion to dismiss.

4. Blue Hen's counsel rejected Arena's offer to appear for a deposition limited to his current financial status and advised Arena's counsel that Blue Hen would proceed with its Motion to Compel.

BIFFERATO, GENTILOTTI, BIDEN & BALICK LLC



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Dated: September 11, 2006